

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JARED SEARLES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 21-CV-6570 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 24, 2021, Defendant filed a motion to dismiss Plaintiff's complaint. Dkt. 8. The Court has not received a response from Plaintiff. No later than November 29, 2021, Plaintiff shall file either a response to Defendant's motion or a letter indicating that he does not intend to file a response. If Plaintiff informs the Court that he intends to pursue this action but chooses not to oppose Defendant's motion, the Court will deem the motion fully briefed and take it under submission. *See McCall v. Pataki*, 232 F.3d 321, 322–23 (2d Cir. 2000) (“[A]lthough a party is of course to be given a reasonable opportunity to respond to an opponent's motion, the sufficiency of a complaint is a matter of law that the court is capable of determining based on its own reading of the pleading and knowledge of the law.”). If, however, Plaintiff does not respond to this Order, either by responding to the motion to dismiss or by submitting a letter indicating that he does not intend to do so, then the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: November 15, 2021
New York, New York



Ronnie Abrams
United States District Judge